

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

GENEVA SMARTT BORNE, <i>et al.</i> ,)	
Plaintiffs)	
v.)	No. 4:02-cv-44
WADE E. BYRD, <i>et al.</i> ,)	
Defendants)	

ORDER

On September 20, 2004, this court entered an order [Court File #15] which stayed this legal malpractice action under the underlying medical malpractice action could be resolved. In that order, plaintiffs were also directed to notify this court of the status of the underlying action in the Circuit Court for Franklin County, Tennessee, at six-month intervals [see *id.*]. However, even though it has been more than one year since this order of stay was entered, the court has not received any such status report from plaintiffs.

Accordingly, plaintiffs are hereby ORDERED to file a status report regarding the underlying action in the Circuit Court for Franklin County, Tennessee,

within ten (10) days from entry of this order; otherwise, this case will be dismissed for plaintiffs' failure to prosecute. See Fed.R.Civ.P. 16(f) and 41(b).

E N T E R :

s/ James H. Jarvis

UNITED STATES DISTRICT JUDGE